

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23034 of 2021

Arising Out of PS. Case No.-746 Year-2019 Thana- KUDHNI District- Muzaffarpur

REKHA DEVI W/o Laxmi Sahani Resident of Village - Dharmuha, P.S.-
Kudhani (Turki O.P.), Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-01-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

At the outset, it is submitted by learned counsel for the petitioner that in the first paragraph of the petition, Section '376' has wrongly been typed as Section '386' due to typographical error.

Let the same be read as 'Section 386' instead of 'Section 376'.

Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been



filed by the petitioner apprehending his arrest in connection with Kudhani P.S. Case no. 746 of 2019 instituted for the offence under Sections 147, 148, 149, 341, 323, 427, 452, 380, 386 and 504 of the Indian Penal Code.

As per prosecution story, in presence of S.H.O. and C.O. the land of the informant was measured by Anchal Amin, when his neighbour, who is the petitioner, was abstaining the informant from the renovation work, which was going on in his ancestral home and finding the measurement true, one month time was given to the petitioner to show any document regarding ownership or any order from the competent court to stop the work but the petitioner failed to produce any document. After lapse of time, petitioner along with other co-accused persons came at the said land and destroyed the construction materials, driven away the labourer and mason and attempted to assault the informant.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has falsely been implicated in this case. There is no specific allegation of assault against the petitioner. Several accused persons have been granted anticipatory bail by different co-ordinate Bench of this Court. She has got no criminal antecedent.



Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of her arrest or surrender in connection with Kudhani P.S. Case no. 746 of 2019, she will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM III, Muzaffarpur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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